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**From:** Wells, Kimberly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WELLS, KIMBERLY]  
**Sent:** 7/19/2018 10:13:22 PM  
**To:** Ian L. Sandison [isandison@carlsmith.com]; Sheryl Nicholson (shnichol@ksbe.edu) [shnichol@ksbe.edu]; Nicole Altman (nialtman@ksbe.edu) [nialtman@ksbe.edu]; Joyce W.Y. Tam-Sugiyama [jtam@carlsmith.com]  
**CC:** Shareem, Jelani [SHAREEM.JELANI@EPA.GOV]; Lieben, Ivan [Lieben.Ivan@epa.gov]  
**Subject:** KS LCC: Revised Draft CA/FO  
**Attachments:** KS Draft Consent Agreement 7.19.18.docx; draft consent agreement compared to last draft 7.19.18.pdf

Hi Ian, Sheryl, Joyce, and Nicole,

I think we are getting very close on the CA/FO!

To follow up on our call yesterday:

1. I have attached the new draft of the consent agreement. If you have comments or suggestions, please make them in the word document. The changes will be tracked which will make it easier to incorporate them when you send the document back to us. I also have to apologize because I prepared a tracked changes version of this draft, as you requested but then I accidentally saved over it. So I don't have the tracked changes, but I used the "compare" function to highlight the differences between this draft and the last draft. The comparison PDF shows where I made changes, but please work from the Word document.
2. I referred back to our Audit Policy and found that it uses the term "audit" to refer to "discovery, disclosure, correction and prevention of violations." For consistency, we should use the term "audit" in the consent agreement to include not just the targeting and inspections, but also the closure of LCCs. I have tried to update our terminology accordingly.
3. As you requested, I looked into the background of the blanket LCC ban at 40 C.F.R. 144.88. It appears that EPA used to regulate LCCs based on location and proximity to sources of drinking water. But public comment on a proposed rulemaking and a lawsuit from the Sierra Club caused EPA to study the issue more closely in the 1990s. EPA found that groundwater was being contaminated by Class V injection wells and determined that the rule's coverage should be expanded to apply nationwide, not just in areas with delineated as groundwater sources of drinking water. This is documented in the Federal Register notice for the regulations: 64 Fed. Reg. 68,546, 68,553 (December 7, 1999).
4. Finally, please send Jelani Nicole's contact information so that our Office of Public Affairs can coordinate with her. We would not do a press release until the final order is entered, which will likely be September. However, our Office of Public Affairs would like to begin coordinating so they are prepared when it is time to do a press release.

Let's schedule the next call for August 1 or 2. Please contact Jelani about scheduling the next call. I will be out next week but Jelani has access to my calendar and can find a time that works for all of us. Please send us any comments by July 30 so we can review before the call.

Thank you,

Kimby

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